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FAX COVER SHEET

TO: ALISSA L. HOEY USPTO - ART UNIT NO. 3765

FAX NO: 703-872-9306

PHONE NO: 703-308-6094

FROM: Court B. Allen **DATE:** October 13, 2003
Direct Dial: 210/244-8848 **E-Mail:** callen@ljtlaw.com
TOTAL NO. OF PAGES: 3 **CLIENT/MATTER:** 80191.00032
(including cover page) **RECEIVED**
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COMMENTS

OCT 14 2003

United States Patent Application
Serial No.: 09/758,381
Entitled: **FINGERTIP DEVICE FOR RUPTURING AMNIOTIC MEMBRANES**
Our Reference No.: 80191.00032

Dear Sir or Madam:

Enclosed for filing with the papers of the above-referenced application is the following document:

1. Response to Office Action (2 Sheets)

Respectfully submitted, by

Court B. Allen
Courtenay B. Allen
Reg. No. 43,469

<p align="center"><u>Certificate of Facsimile</u></p> <p>I hereby certify that this paper and all documents indicated as being attached are being transmitted to the Examiner Alissa L. Hoey, Art Unit No. 3765 of the United States Patent and Trademark Office, at fax telephone number 703-872-9306.</p> <p>Date of Facsimile: October 13, 2003</p> <p><i>Jon G. Huns</i></p> <p><small>Jon G. Huns</small></p>
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO. 09/758,381

§ ATTY DOCKET NO. 80191.00032

INVENTOR: Richard L. Watson

§
§
§ EXAMINER: Alissa L. Hoey

TITLE: FINGERTIP DEVICE FOR
RUPTURING AMNIOTIC MEMBRANES

§
§
§ GROUP ART UNIT: 3765

FILING DATE: 01/10/2001

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OCT 14 2003

Mail Stop AMENDMENT
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICIAL

RESPONSE TO OFFICE ACTION

Dear Sir or Madam:

Applicant hereby timely responds to the Office Action dated September 12, 2003 within the shortened statutory period for reply of one (1) month.

With respect to the Examiner's restriction and election requirement, Applicant is somewhat perplexed. In identifying three embodiments as the basis of the requirement, it appears that the Examiner has focused on whether a given embodiment has (a) a hook with a leading edge substantially flush with a surface of the distal end or (b) a glove-like member or at least a portion of a glove. Thus, it appears that the three alleged species are (1) an embodiment having a hook with a leading edge not substantially flush with a surface of a distal end of a shank, (2) an embodiment having a hook with a leading edge substantially flush with a surface of a distal end of a shank, and (3) an embodiment having a glove-like member or at least a portion of a glove. Although the Examiner has included Figs. 4A and 4B as being associated with the second embodiment, Figs. 4A and 4B appear to belong with the first embodiment under the

Examiner's scheme. To further illustrate Applicant's perplexity, the claims appear to read on the embodiments identified by the Examiner as follows:

Species 1: claims 1, 2, 4, 5, 8-11;

Species 2: claims 1-10, 13-15;

Species 3: claims 12, 16-20.

In view of the apparent overlapping of claims between the alleged first and second species, Applicant does not follow the Examiner's reasoning and respectfully requests clarification in that regard.

If the Examiner nevertheless maintains the restriction requirement, Applicant elects the first species identified by the Examiner, on which claims 1, 2, 4, 5, 8-11 appear to read.

It is believed that no fee is required for this submission. However, if any fee is required, the Commissioner is hereby authorized to charge any required fee to Deposit Account No. 502248.

Respectfully submitted,

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Date: 10-13-2003

<p align="center"><u>Certificate of Facsimile</u></p> <p>I hereby certify that this paper and all documents indicated as being attached are being transmitted by facsimile on the date indicated below to Examiner Alissa L. Hoey, Art Unit No. 3765 of the United States Patent and Trademark Office, at fax telephone number 703-872-9306.</p> <p>Date of Facsimile: October 13, 2003</p> <p><u>Lori A. Hma</u></p> <p>Lori A. Hma</p>
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